

REMARKS

Applicant submits this Supplemental Amendment in further response to the Office Action dated January 5, 2010, and also in response to the undated notice to applicant regarding a non-compliant or non-responsive amendment (Paper No. 20100519). Reconsideration of the subject application as amended herein is respectfully requested. Primary Examiner Karen Cochrane is thanked for the various suggestions for response that were set forth in Paper No. 20100519.

As suggested by Examiner Cochrane as an available alternative, applicant has amended the specification, particularly, the descriptions of drawing Figures 3 and 6, so as to set forth the sequence identifiers for each of the nucleotide sequences shown in the amended (*i.e.*, corrected) versions of Figures 3 and 6 that were submitted by applicant on March 29, 2010.

The Commissioner is requested to construe this paper as including a retroactive petition for a two-month extension of time in which to file a response to the outstanding Office Action, and accordingly, the official fee of \$490.00, as prescribed therefor by 37 C.F.R. § 1.17(a)(2), as amended, in the case of a non-small entity, would ordinarily be

due. However, no fee is being submitted herewith, for the following reason.

Applicant's response filed on March 29, 2010 was accompanied by a check in the amount of \$1,730.00 because applicant's undersigned counsel mistakenly believed that the fee for a four-month extension was due in connection with the filing of that response. That check has already been cashed by the Office. However, since no extension fee was actually due at that time (because the response submitted by applicant on March 29, 2010 was filed prior to the expiration of three months from the date of the Office Action of January 5, 2010), that amount should be considered an overpayment, and applicant now respectfully requests that the overpayment be applied so as to cover the extension fee of \$490.00 that is currently due, and that the remainder (\$1,240.00) of the overpayment be refunded to the deposit account of applicant's undersigned counsel, Deposit Account No. 07-1730. Nevertheless, if the Office disagrees with the foregoing assessment and denies applicant's request, then the Commissioner is authorized to charge any extension fees which may currently be required to Deposit Account No. 07-1730.

Applicant has responded herein to the points raised by the Examiner in the Office Action and in Paper No. 20100519, and applicant has amended the claims in an earnest

